**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,	)	
	)	**8:05CR220**
Plaintiff,	)	
	)	
vs.	)	**ORDER**
	)	
FRANCIS SCHRAM,	)	
LUCILLE ERISMAN and	)	
DONALD BROWN,	)	
	)	
Defendants.	)	

This matter is before the court on the motion for an extension of time by defendants Francis Schram (Schram) and Lucille Erisman (Erisman) (Filing Nos. 27 and 28). The defendants seek until September 28, 2005, in which to file pretrial motions in accordance with the progression order (Filing No. 12). Moving counsel represent that counsel for the government has no objection to the motions. The defendants have submitted an affidavit wherein they consent to the motion and acknowledge they understand the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motions will be granted. **However, no further extension of the pretrial motion deadline will be granted absent a showing upon affidavit that it would constitute a miscarriage of justice if the extension were not granted.**

IT IS ORDERED:

Defendants' motions for an extension of time (Filing Nos. 27 and 28) are granted. Defendants are given until **on or before September 28, 2005,** in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motions, i.e., the time between **August 30, 2005 and September 28, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 30th day of August, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge